

REMARKS/ARGUMENTS

1. Amendments to the Claims.

Claims 1-12 remain in this application. Claims 13-20 have been cancelled. New claims 21-24 have been added to the present application, support for which may be found in FIGS. 5-7 and paragraphs 31-33. Claims 1, 5 and 6 have been amended to clarify the features of the claimed invention. The amendments made herein contain no new matter.

2. Rejections to the Claims Under 35 U.S.C. §102.

Claims 1-20 were rejected under 35 U.S.C. §102 in a final office action as anticipated by U.S. Patent No. 4,172,423 to Monne. More particularly, it was asserted that the rollers identified by reference character 20 in Monne were equivalent to the auxiliary wheels claimed in the present application. As an alternative argument, it was asserted that the rollers identified by reference character 9 in Monne were equivalent to the auxiliary wheels. Applicant respectfully disagrees.

Claims 1-5, as amended, call for a trolley having, among other things, four wheel assemblies mounted to the body and engageable and moveable within an overhead track, and two auxiliary wheels rotatably supported on opposite ends and opposite sides of the body such that the two auxiliary wheels are also engageable and movable within the overhead track.

In contrast, Monne discloses a load-carrying vehicle having four frustoconical rollers 20, which are engaged beneath the track rails 7. See Monne, Column 4, lines 17-31 and FIGS. 2 and 3. Monne does not disclose, teach or suggest a trolley having two auxiliary wheels engageable and moveable within the track. This recitation defines more than an intended, indeed, it results in a structural difference because the auxiliary wheels must be mounted to the body in such a way to position both the four wheel assemblies and the two auxiliary wheels within the overhead track. Furthermore, the Monne structure is not capable of performing the intended use. The frustoconical rollers 20 of Monne are not configured to and cannot move within the track, rather the rollers 20 of Monne are designed to prevent tipping by engaging the underside of the track. Accordingly, the rollers 20 of Monne cannot support and assist the trolley, for example, when crossing gaps in the track.

With respect to the rollers 9 of Monne, as shown in FIG. 3 of Monne, rollers 9 are mounted on opposite ends of the trolley but are not mounted on opposite sides of the trolley. The two auxiliary wheels of claimed invention are mounted on both opposite ends and opposite sides of the trolley. Furthermore, rollers 9 are not engageable and moveable within the track. Instead, rollers 9 are positioned and move between the rails of the track. Rollers 9 are not capable of supporting the trolley on the track.

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For these reasons, Monne does not include all of the features of claims 1- 5 and, therefore, claims 1-5 are patentable over Monne. Accordingly, Applicant respectfully requests the withdrawal of this rejection.

Claims 6-12 call for a trolley having, among other things, at least two auxiliary wheels engageable and moveable within an overhead track and arranged on trolley body in a non-collinear arrangement relative to one another.

In contrast, the rollers 20 of Monne are arranged in pairs each wheel in the pair being arranged collinear relative to the other wheel in the pair. Furthermore, rollers 9 are arranged on the same plane as one another and not within the track. Accordingly, neither rollers 20 nor rollers 9 anticipate the claimed auxiliary wheels of claims 6-12. Monne fails to disclose teach or suggest auxiliary wheels engageable and moveable within the track and arranged on the trolley in a noncollinear arrangement relative to one another. For this reason, claims 6-12 are patentable over Monne and Applicant respectfully requests that rejection of these claims be withdrawn.

Finally, new claims 21-24 call for a trolley having, among other things, four wheel assemblies engageable and moveable within the overhead track and two auxiliary wheels engageable and moveable within the overhead track. Two of the wheel assemblies and one of the auxiliary wheels are rotatably supported by a first side of the trolley body. The other two wheel assemblies and auxiliary wheel are rotatably supported by a second side of the trolley body. The wheel assemblies are aligned with one another to travel atop a plane that is coincident with the bottom wall of the track such that the wheel assemblies travel along the top of the bottom wall of the track. The two auxiliary wheels are aligned to travel atop the same plane as the wheel assemblies such that the two auxiliary wheels also travel along the top of the bottom wall of the track. In addition, the two auxiliary wheels are arranged on the trolley body in non-collinear arrangement to one another.

In contrast, neither rollers 20 nor rollers 9 of Monne are arranged to travel atop the same plane as that on which the rolling wheels 4 travel. Furthermore, rollers 20 and rollers 9 are not adapted to travel on the top of the bottom wall of the track. Rather, as shown in FIG. 2 of Monne, rollers 20 travel along the underside of the bottom wall of the track, while wheels 4 travel along the top of the bottom wall of the track. Also as shown in FIG. 2, rollers 9 of Monne travel between the rails of the track, not on top of the bottom wall. Furthermore, rollers 20 are not arranged on the trolley body in a non-collinear arrangement to one another. Rollers 9 are also not arranged in a non-collinear arrangement to one another. Accordingly, Monne fails to disclose, teach or suggest the auxiliary wheels as claimed in claims 21-24. For these reasons, claims 21-24 are patentable over Monne.

3. Rejections to the Claims Under 35 U.S.C. §103.

Claims 1-5 were rejected under 35 U.S.C. §103 as being an unpatentable obvious design choice in view of the prior art illustrated in FIGS. 1-4 of the present application. According to the Office Action, it was an obvious design choice to form the wheels of a dimension smaller than that of the four trolley wheels because a change in size is generally recognized as being within the level of ordinary skill in the art. Applicant respectfully disagrees.

It appears that Examiner has simply reiterated the argument made in the previous Office Actions without addressing Applicant's arguments in the previous response. Particularly, Examiner re-states that "applicant does not state that a smaller dimension in the auxiliary solves any relevant problem or is for a particular purpose, the admitted prior art operates equally as well." See Office Action of Oct. 5, 2004, pg. 3. On the contrary, in his previous response, Applicant pointed to specific language in the original specification setting forth the advantages of, and problems solved by, the smaller dimensioned wheels.

The specification of the present application expressly discusses the purposes of, advantage of and problems solved by the smaller-dimensioned auxiliary wheels. For instance, "some panel systems include switching assemblies such as that described in U.S. Patent Application Serial No. 09/706,041. In these systems the addition of full-sized wheels can interfere with the switching assemblies." See paragraph [006]. In contrast, "unlike the prior 6-wheel and 8-wheel trolley systems, the smaller size of the guide wheels relative to the wheel assemblies are beneficial because the guide wheels do not interfere with the switch assemblies." See paragraph [0036]. Thus, the admitted prior art does not operate equally as well as the present invention. Rather, the prior art addresses the problem of negotiating intersections while creating a new problem of interfering with switches.

In addition, the admitted prior art also created additional problems; "[t]his system has created a new set of problems, namely an increase in manufacturing costs and a significant increase in trolley width. The increase in trolley width further results in an increase in the stacking depth and the amount of storage space required." See paragraph [006]. In contrast, "[u]nlike prior art trolley 100 of Fig. 1B, which uses auxiliary wheels 101 that are the same size as main wheels 102, the trolley of the present invention uses smaller auxiliary wheels which ultimately conserves even more stacking space.

For these reasons, the size of the auxiliary wheels embodies more than a simple design change. Unlike the larger wheels of the prior art, the smaller auxiliary wheels properly negotiate track intersections, while avoiding any interference with the switches. In addition, the smaller dimensioned wheels conserve stacking space and facilitate stacking of the panels. Thus, claims 1-12 and 21-24 are not anticipated or rendered obvious by the prior art, and Applicant respectfully requests that the rejections be withdrawn.

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CONCLUSION

Applicant respectfully requests that action toward a Notice of Allowance be taken.

Applicant has submitted a check in the amount of \$790 to cover the fees due in connection with this submission. Applicant believes that no fees in excess of this amount are due in connection with this submission. However, if any fees are necessary, please charge Deposit Account No. 02-0390, Baker & Daniels.

Respectfully Submitted,

By:



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